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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/726,318	12/02/2003	Howard E. Sellers	203-003.001 Sellers	3120

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JAMES D. HALL
BOTKIN & HALL, LLP
105 E. JEFFERSON BLVD.
SUITE 400
SOUTH BEND, IN 46601

EXAMINER

WEBB, TIFFANY LOUISE

ART UNIT

PAPER NUMBER

3616

DATE MAILED: 12/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/726,318

Applicant(s)

SELLERS, HOWARD E.

Examiner

Tiffany Webb

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 12/2/2003
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: ____

DETAILED ACTION

Claim Objections

1. Claim 1, 8, and 9 are objected to because of the following informalities: "the undercarriage" lacks antecedent basis. The examiner suggests changing to "an undercarriage." Appropriate correction is required.
2. Claim 5 is objected to because of the following informalities: in line 2, "its adjacent core" is unclear to what "its" is in reference to. The examiner suggests changing to "said core's adjacent core." Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1 and 8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

5. Claim 1 is rejected because it is unclear where the leaf spring is to be secured.

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Lines 2-3 read "a leaf spring having opposite ends secured to said axle, said leaf spring secured at one of said ends to the undercarriage of said vehicle." The examiner suggests clarifying the meaning of the securing of the leaf springs to the suspension system. *As seen in the Figures the leaf spring opposite ends are not secured to the axle.*

6. The term "a regular" in claim 8 is a relative term which renders the claim indefinite. The term "a regular" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the

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art would not be reasonably apprised of the scope of the invention. The examiner suggests defining the meaning of "a regular."

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Hendrickson (JP 09188117A). Regarding claim 1, Hendrickson discloses having a suspension assembly (see Figure 1) including a leaf spring suspension system (20) including, an axle (4), a leaf spring (20) secured at both ends (8 and 10) to the under carriage of a vehicle (1), a resilient bolster spring (22 or 23) having opposite ends interposed between said leaf spring and said undercarriage (see Figure 1), one end of a bolster spring secured to the leaf spring over the axle (5), and the other end of the bolster spring extending over and along the leaf spring and secured to the under carriage (30). Regarding claim 2, Hendrickson discloses including a first bracket on the end of the bolster spring (5) and a second bracket on the other end of the bolster spring (30). Regarding claim 3, Hendrickson further discloses the second bracket offset vertically and laterally from said first bracket (see Figures 1 and 2). Regarding claim 4, Hendrickson discloses that the other end of the bolster spring is spaced higher than the one end of the bolster spring and extending toward one end of the leaf spring (see Figure 1). Regarding claim 5, Hendrickson discloses a bolster spring comprising a

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plurality of stacked cores (32), each laterally offset, a rigid separator plate (33) between each core; and a first endplate (35) and a second endplate (34) forming the ends of the bolster spring. Regarding claim 6, Hendrickson further discloses the cores and separator plates being generally vertical and the other end of the bolster spring spaced forwardly and upwardly apart from one end of the bolster spring (see Figure 1).

Regarding claim 7, Hendrickson further discloses the cores and separator plates being angularly offset from a vertical orientation between about five degrees and twenty five degrees (see Figures 1 and 4). Regarding claim 8, Hendrickson discloses having a bolster spring assembly (see Figure 3) including a suspension system (see Figure 1) including, an axle (4), with the axle secured to the undercarriage of the vehicle by a leaf spring (20), the bolster spring including a plurality of stacked generally planar cores (32), each laterally offset, a rigid separator plate (33) between each pair of cores, each separator plate having an indented portion (see Figure 3), having first (35) and second (34) endplates, a bracket carried by said first endplate for connection the leaf spring over the axle (5), and a second bracket for connection the bolster to the undercarriage (30). Regarding claim 9, Hendrickson discloses a suspension system (see Figure 1) including an axle (4), the axle secured to an undercarriage of a vehicle by a resilient suspension means including a leaf spring (28); a bolster spring including a plurality of stacked planar cores (32), offset laterally; a rigid planar separator (33) between each pair of cores, the cores and separators being between a first endplate (35) and a second endplate (34); a bracket (5) for connecting the first endplate to a leaf spring, a second bracket (30) for connecting the second endplate to the undercarriage; having a

method of assembly including securing said second bracket to the undercarriage such that the bolster spring is angularly positioned between the axle and the undercarriage (see Figure 1), and securing the first bracket to the leaf spring over the axle (see Figure 1).

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following are all suspensions with leaf springs and supplementary spring systems: Adema et al. (US 6,585,286), Fuchs et al. (US 6,206,407), Hicks et al. (US 2004/0155424), Hendrickson (JP 09272320 A), Hickman (US 3,606,376), and Vogler (US 5,560,641).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tiffany Webb whose telephone number is 571-272-2797. The examiner can normally be reached on 8-4:30 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached on 571-272-6669. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

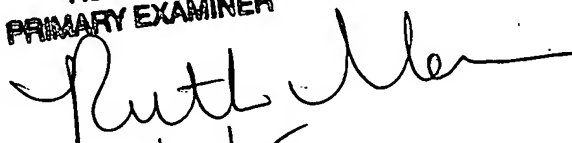
Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Tiffany Webb
Examiner
Art Unit 3616

tlw

**RUTH ILAN
PRIMARY EXAMINER**


11/21/05